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In re Application of JACOBS et al :  
U.S. Application No.: 10/542,958 :  
PCT Application No.: PCT/US04/01773 : COMMUNICATION  
Int. Filing Date: 23 January 2004 :  
Priority Date Claimed: 24 January 2003 :  
Attorney Docket No.: 96700/1031 :  
For: USE OF MYCOBACTERIAL VACCINES. . . :

This is in response to the papers filed 11 October 2006.

### **BACKGROUND**

On 23 January 2004, applicant filed international application PCT/US04/01773, which claimed priority of an earlier United States application filed 24 January 2003. The thirty-month period for paying the basic national fee in the United States expired on 24 July 2005.

On 21 July 2005, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 13 March 2006, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 06 July 2006, applicant filed a request for status under 37 CFR 1.42, including executed declarations.

On 05 September 2006, this Office mailed a decision granting the 06 July 2006 request for status but indicating that several of the declarations were improper.

On 13 September 2006, DO/EO/US mailed a Notification of Defective Response (Form PCT/DO/EO/916), which indicated that new declarations must be submitted.

On 11 October 2006, applicant filed new declarations.

### **DISCUSSION**

The declarations filed 11 October 2006 are improper. As specifically stated in the decision mailed 05 September 2006, the declarations do not list Stoyan Bardarov as an inventor as required by 37 CFR 1.497(a)(3).

### **CONCLUSION**

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a Notification of Abandonment (Form PCT/DO/EO/909) which should indicate that the application is abandoned for failure to file a proper response to the Notification of Defective Response (Form PCT/DO/EO/916) mailed 13 September 2006.



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